

REMARKS

Claims 1-14 are pending in this application, of which claims 12-14 are withdrawn as being directed to a non-elected invention. By this Amendment, claim 1 is amended. Claim 1 is the sole independent claim.

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested.

Applicants' Initiated Interview Summary

The courtesies extended to Applicants' representative, David J. Cho, Reg. No. 48,078, during a telephonic interview with Examiner Moore conducted on February 16, 2011, are acknowledged and appreciated. The substance of the interview is set forth in the Examiner's Interview Summary and in the following Applicant Initiated Interview Summary. As required by 37 C.F.R. § 1.133(b), Applicants' summary of that interview is as follows:

1. Brief Description of any Exhibit Shown

No exhibit was shown or demonstrated during the interview of February 16, 2011.

2. Identification of the Claims Discussed

The Examiner and Applicants' representative discussed independent claim 1.

3. Identification of the Specific Prior Art Discussed

The Examiner and Applicants' representative discussed the Derbinsky reference, U.S. Patent No. 5,820,329.

4. Identification of the Proposed Amendments

As presented above in the instant amendment, Applicants' representative and the Examiner discussed amending independent claim 1 to more clearly define the "outer walls" of the upper and lower housings.

5. Summary of the Arguments Presented to the Examiner

Applicants' representative presented arguments regarding the failure of the Derbinski reference to disclose the subject matter of independent claim 1. More specifically, Applicants' representative argued that the Examiner's broad interpretation of the chamber covers "46" and "54" in Derbinski corresponding to the claimed "upper and lower housing halves" respectively is unreasonable; and that the chamber covers 46 and 54 of Derbinski do not correspond to the upper and lower housing halves, respectively, as taught by claim 1, because the chamber covers 46 and 54 are not designed to be "*movable*" where the chamber covers are, in one position, prevented from rotating, and in another position, separated from one another to permit rotation. The Examiner agreed, but indicated that the Examiner's broad interpretation of Derbinski is reasonable, and that the arguments are not commensurate with the scope of the claims. The remainder of the interview was directed to discussing a level of recitation needed to more clearly define the "outer walls" of the housing members, thereby obviating the rejection based on the Derbinski reference.

6. General Outcome of the Interview

An agreement between the Examiner and Applicants' representative was generally reached. In particular, it was agreed that upon the discussed language being incorporated into independent claim 1, the claims would be patentable over the cited prior art – *see Interview Summary mailed February 18, 2011*.

Claim Rejections - 35 U.S.C. § 103

Claims 1-7 and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,820,329 ("Derbinski") in view of U.S. Patent No. 4,226,208 ("Nishida"). Applicants respectfully traverse this rejection for the reasons discussed below.

As discussed and agreed during the interview, Applicants respectfully submit that the Derbinski and the Nishida references, individually or in combination, fail to disclose or suggest, *inter alia*:

outer walls of the upper and lower housing halves under an action of a force-generating member are designed to be moved from a first position in which the upper and lower housing halves, through tight, sealing contact with the revolver, prevent rotation thereof, to a second position in which the upper and lower housing halves are separated from the revolver in order to permit rotation of the latter to predefined positions.

In contrast, the "outer walls" of circular walls 12 and 13 of Derbinski are **not movable** with respect to each other – but instead, stationary and permanently connected, and not designed to be moved.

Further, due to the instant amendment, it is submitted that the chamber covers 46 and 54 cannot be considered the respective upper and lower housing halves because the chamber covers 46 and 54 are not the "outer walls" of the housing members.

Accordingly, Applicants respectfully submit that the Derbinski reference fails to disclose, or even suggest, "the outer walls of the upper and lower housing halves under an action of a force-generating member are designed to be moved from a first position ... to a second positionin order to permit rotation of the latter to predefined positions," as recited in claim 1.

In regard to the Nishida reference, Applicants submit that the Nishida reference does not remedy the deficiencies of Derbinski. In particular, the alleged housing halves in

Nishida, that is, the base plate **74** and vessel **78** in contact with the rubber gasket 86, are in fixed positions and nothing is disclosed about them being movable in relation to each other. There are movable parts forming treatment containers/chambers in Nishida, and no housing halves being moved in relation to each other to form the treatment containers/chambers. Moreover, Nishida disclose that a bell jar 32 is pressed against the base plate 74 by hydraulic means when a chamber 64 is opened in order to retain vacuum in the container 76. (see col. 3, lines 32-39). As such, there is no housing half being moved, and the actuating force, is, as in Derbinski, used to create seal, not to open a seal as in the device of claim 1.

Since the rejection fails to disclose or suggest each and every element of the rejected claims, Applicants respectfully submit that no *prima facie* case of obviousness has been established with respect to claim 1.

In view of the above, Applicants respectfully submit that the proposed combination of the Derbinski and the Nishida references fails to teach or suggest *all* of the elements of claim 1. Thus, no *prima facie* case of obviousness has been established. Accordingly, claim 1 is allowable over the Derbinski and the Nishida references. Dependent claims 2-7 and 9-11 depend from claim 1 and are allowable for at least the reasons that claim 1 is allowable. Therefore, Applicants respectfully request that the rejection of claims 1-7 and 9-11 under 35 U.S.C. § 103(a) be favorable reconsidered and withdrawn.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Derbinski and Nishida and further in view of U.S. Patent No. 5,415,729 ("Strasser"). Applicants respectfully traverse this rejection for the reasons discussed below.

Claim 8 is believed to be allowable for at least the reasons set forth above regarding claim 1. The Strasser reference fails to provide the teachings noted above as missing from the Derbinski and the Nishida references. Since claim 8 is patentable at least by virtue of its dependency on claim 1, Applicants respectfully request that the rejection of claim 8 under 35 U.S.C. § 103(a) be withdrawn.

Request for Interview

If the Examiner continues to maintain the rejections based on at least the Derbinski reference, Applicants respectfully request, prior to the issuance of an action on the merits, that the Examiner grant another interview (telephonic or in-person) with Applicants' representative in order to further discuss the Office Action, and the differences between the cited prior art and the subject matter cited in the claims.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicants do not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

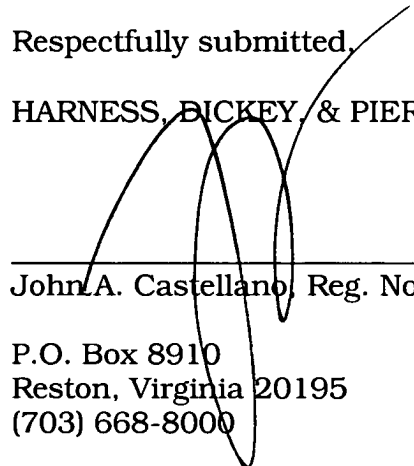
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/DJC:has
1118832.1